

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SARITA RACHAL, BILLY RACHAL, by
and through his Next Friend, RUTH
RACHAL, and SHALUNDRA RACHAL,
by and through her Next Friend, RUTH
RACHAL,

Case No. 04-CV-73983-DT

Plaintiffs,

v.

Honorable Patrick J. Duggan

OAKLAND COUNTY FAMILY
INDEPENDENCE AGENCY, OAKLAND
COUNTY CHILDREN'S PROTECTIVE
SERVICES, COUNTY OF OAKLAND,
MARGARET HILL, TRACY BUDNICK,
ANN FLOOD, and CHRIS DEBOER, in
their Individual and Official capacities,

Defendants.

/

ORDER SETTING ASIDE DEFAULT

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on July 28, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Presently before the Court is Plaintiffs' Motion for Default Judgment against Defendant Margaret Hill. On February 10, 2005, a Clerk's Entry of Default was entered against Defendant Hill based on Plaintiffs' representation that Defendant Hill had been personally served at 1134 Oak Valley Drive in Pontiac, Michigan. On June 14, 2005,

Plaintiffs filed a Motion for Default Judgment against Defendant Hill, which this Court schedule for a hearing on July 27, 2005. Pursuant to this Court's requirement, Plaintiffs notified Defendant Hill of this hearing.

Defendant Hill personally appeared at the hearing and testified under oath that, in fact, she never was personally served with the summons and complaint as required by the Federal Rules of Civil Procedure. Defendant Hill testified that she picked up a copy of "the papers" which had been left for her at the residence where she had been living and from where she was being evicted. Defendant Hill also indicated on the record that she disputes the allegations against her.

For the reasons set forth on the record at the hearing on July 27, 2005, the Court believes that the best interests of justice will be served by setting aside the Clerk's Entry of Default and permitting Defendant Hill to file an answer. Defendant Hill shall file an answer to the complaint within 14 days of July 27, 2005.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Jennifer Bruening, Esq.;
Mark V. Schoen, Esq.;
Margaret Hill
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